

REMARKS

Claims 1, 3 to 5, 7 to 17 and 20 to 36 are the pending, of which Claims 1, 4, 7, 12, 17, 24, 25, 28 and 31 are independent. Claims 1, 4, 7, 12, 17, 24, 25, 28, 31 and 36 are amended, and Claims 2, 6 are cancelled. Reconsideration and further examination are respectfully requested.

With regard to a formal matter, the Office Action Summary does not indicate whether or not the Action is final. In the body of the Office Action, at page 2, there is an indication that the Action is final, however, this indication appears to be a vestige from a previous Office Action. Furthermore, there are several indications on the record to indicate that the Office Action is non-final. The Patent Office's PAIR system, for example, indicates that the Office Action is non-final in the image file wrapper for the application. In addition and in view of the record, the current Office Action cannot properly be made final. More particularly, the Office Action is the first action after the filing of a Request For Continued Examiner (RCE), and the Office Action withdraws the previous grounds for rejecting the claims raised in the previous Office Action dated September 20, 2006, and raises new grounds for rejection under 35 U.S.C. § 101, 102(e) and 103(a). Accordingly, Applicant respectfully requests confirmation that the current Office Action is non-final.

By the Office Action, Claims 17 and 36 are rejected under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter. More particularly, the Office Action contends that a carrier wave or signal as a computer-readable medium is non-statutory subject matter citing MPEP § 2106(IV)(B)2(a), which the Patent Office has indicated are interim guidelines and do not constitute substantive rule-making. Without conceding the correctness of the rejection, however, Claims 17 and 36 are amended to recite a tangible computer-readable medium. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 4 to 17, 28 to 30, 34 to 36 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,976,229 (Balabanovic), Claims 1 to 3, 20 to 22, 24 to 27 and 31 to 33 are rejected under 35 U.S.C. § 103(a) over Balabanovic and U.S. Patent No. 6,185,587 (Bernardo), and Claim 23 is rejected under § 103(a) over Balabanovic, Bernardo and U.S. Patent No. 5,956,716 (Kenner). Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 1 recites a system for providing media content in a network. The system comprises one or more servers configured to generate an interface at a site on the network for display on a user computer. Media files provided by more than one content provider are made available to the user computer via the network site using the interface. The one or more servers are further configured to define a set of metadata attributes relating to media files, each of the metadata attributes of the set to be displayed in a specific location in the interface; receive a plurality of media files provided by the more than one content provider via the network, the received files for use with the interface; associate metadata attributes from the set of metadata attributes with each of the received media files, and map each of the associated metadata attributes to a respective predetermined location in the interface, so that in the interface for the user each of the associated metadata attributes appears at its respective predetermined location in the interface for each media file of the plurality, the respective predetermined location for a given metadata attribute is a same location in the interface regardless of the content providers providing the received media files.

Claim 1 is amended to recite that the defined set of metadata attributes are to be displayed in a specific location in the interface. Claim 1 is further amended to recite that a plurality of media files from a plurality of providers of content are made available to a user computer via the network site using the interface, and that each of the associated metadata attributes are mapped to a respective predetermined location in the interface, so that in the interface for the user each of the associated metadata attributes appears at its respective predetermined location in the interface for each of the media files, and the respective predetermined location for a given metadata attribute is the same location in the interface regardless of which content provider is providing the media file. Balabanovic fails to teach, suggest or disclose at least these features of the present claims.

Balabanovic focuses on a tool for use by a user computer to author a story file using digital photographs and narration. Balabanovic's authoring tool has a user interface that the user uses to select digital images and add narration during the authoring process to create a story using the selected digital images and narration. The user saves the story file as an XML file or a movie file (i.e., QuickTime, MPEG or AVI), and either sends the file to someone via electronic

mail or uploads the file to a server, where the file is assigned a URL which can be sent to someone.

Balabanovic uses a server to assign a URL to a finished story uploaded to the server, and forward the story file or URL via email to another user. Balabanovic does not even mention one or more servers configured to generate an interface, define a set of metadata attributes relating to a plurality of media files received from more than one content provider, associate metadata attributes from the set of metadata attributes with each of the received files, and map each of the associated metadata attributes to a respective predetermined location in the interface, so that in the interface each of the associated metadata attributes appear at its respective location for each of the received files, and the respective location for a given metadata attribute is a same location in the interface regardless of the content provider providing the media files. Balabanovic uses a type attribute in the XML file to identify whether the XML file is a story or a document file. Balabanovic's use of an attribute in an XML metadata file to identify the type of the XML file has nothing to do with a defined set of metadata attributes that are to be displayed in specific locations in an interface, and does not teach, suggest or disclose metadata attributes from the set being associated with the media files provided by the plurality of content providers, and mapped to respective locations in an interface. Balabanovic's uses a third area of the authoring tool's user interface to display audio clips and other information associated with an image file displayed in a second area of the interface. As shown in Figure 1 and discussed at col. 6, lines 16 to 28 of Balabanovic, the third area of the interface identifies the user that created the narrative, the length of the narrative and its creation time and date. Information about a user's narrative has nothing to do with a defined set of metadata attributes for content received from one or more content providers via a network.

As can be seen from the above description, and in stark contrast to the present claims, the authoring tool used to create a story from photographs disclosed in Balabanovic is directed to a different problem and solution than that described and claimed in the instant application, and cannot be said to teach, suggest or disclose defining a set of metadata attributes that are to be displayed in specific locations in an interface generated at a site on a network for display on a user computer, associating metadata attributes from the defined set of metadata attributes to a plurality of media files received from more than one content provider, and mapping each of the

associated metadata attributes to a respective location in the interface so that each of the associated metadata attributes appears at its respective predetermined location in the interface for each media file received from the content providers, and so that the respective predetermined location for a given metadata attribute is the same location in the interface regardless of the content providers providing the received media files.

Bernardo and Kenner fail to remedy the deficiencies noted above with respect to Balabanovic.

In view of the foregoing, it is submitted that Claim 1 (and the claims that depend therefrom) should be patentable over the applied art. In addition, Claims 4, 24, 25, 28, 31 and 38 (and the claims that dependent therefrom) should be patentable over the applied art for at least the same reasons.

Claim 7 recites a method of providing media content to a plurality of users over a network. The method comprises the steps of compiling a playlist that contains one or more unique identifiers which identify one or more media files, and determining whether a user-selectable autoplay function is engaged for a given one of the plurality of users. In a case that the autoplay function is determined to be engaged, a sequence in which the user is to experience media content corresponding to the one or more media files is determined based on an ordering of the unique identifiers in the playlist. In a case that the autoplay function is determined to be disengaged, the sequence in which the user is to experience media content corresponding to the one or more media files is determined based on input from the user without regard to the ordering of the unique identifiers in the playlist.

Balabanovic fails to teach, suggest or disclose at least the claimed features of a user-selectable autoplay function, determining whether the user-selectable autoplay function is engaged for a given one of the plurality of users, determining a sequence in which the user is to experience media content corresponding to the one or more media files, which are identified by unique identifiers contained in a playlist, based on a determination of whether or not the autoplay function is engaged, such that in a case that the autoplay function is determined to be engaged the sequence is based on an ordering of the unique identifiers in the playlist, and in a case that the autoplay function is disengaged the sequence is based on input from the user without regard to the ordering of the unique identifiers in the playlist.

The cited portions of Balabanovic identify that a story can be a playlist, and that a playlist can comprise songs. Balabanovic defines the story/playlist as an ordered set, and the order in which the items in the playlist are to be experienced is set by the user when the user creates the playlist. When the user presses the play button to play the items in the playlist, the system plays the items in the specified order. Thus, Balabanovic describes that the user's "own sequences of songs" are played in the order specified in the playlist when the user presses the play button, which is different from the claimed user-selectable autoplay function determining a sequence in which the user is to experience media content corresponding to the one or more media files identified in a playlist, such that in a case that the autoplay function is determined to be engaged the sequence is based on an ordering of the unique identifiers in the playlist, and in a case that the autoplay function is disengaged the sequence is based on input from the user without regard to the ordering of the unique identifiers in the playlist.

Since the applied art fails to teach, suggest or disclose each and every one of the elements claimed in Claim 7, it is submitted that Claim 7 (and the claims that depend therefrom) should be patentable over the applied art. In addition, Claims 12 and 17 (and the claims that dependent therefrom) should be patentable over the applied art for at least the same reasons.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

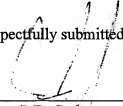
Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney. Alternatively, since it is believed that the claims of the present application are in condition for allowance, the Examiner is respectfully requested to issue a Notice of Allowance at the Examiner's earliest convenience.

The applicants' attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 32361.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

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